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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,235	06/19/2003	Gary K. Richmond	7281-US	9810

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Thomas F. Lenihan
TEKTRONIX, INC.
M/S 50-LAW
P.O. Box 500
Beaverton, OR 97077-0001

EXAMINER

DESTA, ELIAS

ART UNIT PAPER NUMBER

2857

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,235	RICHMOND, GARY K.	
	Examiner	Art Unit	
	Elias Desta	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Applicant's Amendment

Abstract

1. Applicant is reminded of the proper content of an abstract of the disclosure; in the instant application, the abstract is too short in explaining the technical disclosure of the improvement.

Specification

2. The Examiner accepts the amendment to the specification filed on June 28, 2004.

Explanation of rejection

Claim rejection – 35 U.S.C. 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(b) as anticipated by Hall, Jr. (U.S. Patent 4,349,896).

In reference to claims 1 and 10: Hall, Jr. teaches an apparatus that includes:

- An analog sampling array (see Hall, Jr., Fig. 2, signals from receivers 24's), for acquiring from the signal under test (SUT) (or acoustic signals from the wheels) a plurality of temporally offset analog samples during each of the sequence of

sample periods (see signals from the receiver in Fig. 2 and Fig. 3, from the output);

- A plurality of sample processors, such as ADC's, RMS detector, Peak Detector and Convolver (see Hall, Jr., Fig. 5), for identifying logic level transitions (such as peak detection as noted in column 1, lines 60-68) between respective current and previous samples (the system uses convolution where present and past time reference values are used for accurate time placement of the compression wave, see Cheever, page 5-6). The time of occurrence of the logic level transition time is determined through the digital acoustic logging method because as the input signal is applied to sample storage device which is also connected to a clock signal for sequentially clocking the output out over an expanded or delayed period of time (see Hall, Jr., Fig. 5 and column 4, lines 44-68); and

Further, Hall, Jr. also includes a method for

- Determining a logic level for each of the analog samples using a threshold signal level (see Hall, Jr., Figs. 2 and 3);
- Generate edge bin data structure (see Hall, Jr., Fig. 5, output from member 42 or the peak detector); and
- Edge bin data structure includes identification of a sample associated with logic level transition and estimation of the relative threshold level crossing time of the signal under test (SUT) between successive sample (see Hall, Jr., Fig. 2, transmitter burst with suppressed noise in between successive signals, such as shear wave).

With regard to claim 2: as noted above in claim 1, Hall, Jr. further teaches that the apparatus includes a time stamp processor, for imparting a time stamp to sample data indicative of respective sample times (see Hall, Jr., column 5, line 64 to column 6, line 8).

With regard to claim 3: as noted above in claim 1, Hall, Jr. further teaches that the samples are acquired and logic level transitions are identified in real time (see Hall, Jr., column 4, lines 44-51).

With regard to claim 4: as noted above in claim 1, Hall, Jr. further teaches that the sample intervals are defined as respective temporal portions of a period of a clock (see Hall, Jr., column 4, line 64 to column 5, line 26).

With regard to claim 5: as noted above in claim 1, Hall, Jr. further teaches that the plurality of processors shown in Fig. 5 include a convolution and pick detector, hence it is inherent for each sample period, each the sample processor receives respective current sample (V_c) and respective previous sample (V_p) and responsively produces sample data including indication of logic level of the current sample (L), such as identifying logic level transition between the current and previous samples (E) and estimated time of occurrence of the identified logic level transition.

With regard to claims 6 and 11: as noted above in claim 5, Hall, Jr. further teaches that the apparatus includes reduction logic (see Hall, Jr., Fig. 2, removing inherent system noise using thresholds and amplitude detection), for reducing the amount data provided to the time stamp processor by discarding (removing the noise component, see Hall, Jr., column 4, lines 19-37) sample data not associated with an identified logic level transition.

With regard to claim 7: as noted in claim 6, Hall, Jr. further teaches that the sample data produced by each sample processors (see Fig. 5, Expanded output) is associated with a respective slice identifier (see Hall, Jr., Fig. 5, peak detector).

With regard to claim 9: as noted above in claim 1, Hall, Jr. further teaches that the sample data where the system includes a plurality of instances of the apparatus are used to process respective signals under test including a clock signal and a data signal (see Hall, Jr., Fig. 5, member 44, signal from pick detector and clock signal to 44).

With regard to claim 12: as noted above in claim 10, Hall, Jr. further teaches that the signal under test (SUT) includes a data signal, and the edge bin data (see Fig. 5, data from pick detector) structure, which includes logic level indicator [see Hall, Jr., Fig. 5, the output from “compression wave storage” or member 44, since all the input member 30 (sample & hold) or member 44 provide a logic level indicator for the purposes of conversion from analog to digital signal].

With regard to claim 13: as noted above in claim 10, Hall, Jr. further teaches that the edge bin structure (pick detector) includes a time stamp indicative of the time of a respective threshold level transition of the signal under test (SUT) (input signal from the receiver as shown in Figs. 4 and 5; output that is delayed or time expanded output).

With regard to claims 14 and 17: as noted above in claim 10, Hall, Jr. further teaches that the method is used to process each of a plurality of signals under test including clock signal and a data signal to produce corresponding list of edge bins (edge detected signals (see Hall, Jr., Fig. 5, output from member 42); and processing each data signal edge list with the clock signal edge bin list (since clock signals are triggered at some transition time) to identify, for each clock

signal edge, corresponding logic value of the data signal (the expanded output from member 44 of Fig. 5).

With regard to claims 15 and 16: as noted above in claim 14, Hall, Jr. further teaches that the method of processing each data signal edge bin list (pick detected) with the clock signal edge bin (clock) list to identify a timing violation because in sampling and holding, it is inherent that a rule has to have a way to detecting a violation since convolution operation or an A/D conversion would not have been possible under the circumstances (as shown in Fig. 5).

Allowable Subject Matter

5. Claims 11 and 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Argument

6. Examiner disagrees with the Applicant's assertion that Hall, Jr. has no similarity with the instant application. The input signals both in the instant application and Hall, Jr. are analog in nature. Actually, claims 1 and 10 of the instant application acquire temporarily offset analog samples, which are basically described in Hall, Jr. as analog input (see Hall, Jr., Fig. 3). In both cases the analog samples are further processed to obtain digital samples using ADC for the purposes of further processing. Therefore, the inputs described both in the instant application and Hall, Jr. are the same.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-5841 for regular communications and (703)-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

Elias Desta
Examiner
Art Unit 2857

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Art Unit: 2857

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September 19, 2004

A handwritten signature in black ink, appearing to read "D. McElheny, Jr.", written in a cursive style.

DONALD E. McELHENY, JR.
PRIMARY EXAMINER